DOCKET NO. I20 06794 US CLIENT NO. HWEL01-06794

Customer No. 00128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PATENT** 

In re application of: Joseph Z. Lu

U.S. Serial No.: 10/719,189

Filed: November 21, 2003

For: APPARATUS AND METHOD FOR FILTERING A SIGNAL

Group Art Unit: 2193

Examiner: Chuong D. Ngo

MAIL STOP RCE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181

Pursuant to 37 C.F.R. §§ 1.181(a) and (c), the Applicant respectfully petitions the Director

to exercise his supervisory authority and order that no extension of time fee is due for the filing of

a Request for Continued Examination (which is being filed concurrently with this Petition). No fee

is believed to be required for this petition.

A final Office Action was mailed on October 19, 2007. The Applicant mailed an

Amendment and Response to the final Office Action on December 19, 2007 (by first-class mail

with the proper Certificate of Mailing). The Amendment and Response was therefore properly

filed within 2 months of the mailing date of the final Office Action.

No Advisory Action was ever received.

MPEP § 706.07(f) states that all final rejections setting a three-month shortened statutory

period for reply should advise an applicant that the "shortened statutory period will expire at 3

months from the date of the final rejection or on the date the advisory action is mailed, whichever

is later" if a reply is filed within two months of the date of the final action. The final Office Action

dated October 19, 2007 indicated that if a reply was filed within two months of the mailing date of

the final action and an Advisory Action was not mailed until after the end of the three-month

shortened statutory period, the "shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action." (10/19/07 Office Action, Page 5, Section 8).

Since the Applicant properly filed a response within two months of the final Office Action

and no Advisory Action has been issued for this application, the shortened statutory period for

replying to the October 19, 2007 Office Action has not yet ended. Accordingly, no extension of time

fee is due for filing the Request for Continued Examination (filed concurrently with this Petition).

The Applicant respectfully requests that no extension of time fee be charged for filing the

Request for Continued Examination.

If any issues arise or if the Director has any suggestions for expediting allowance of this

application, the Applicant respectfully invites the Director to contact the undersigned at the

telephone number indicated below or at wmunck@munckbutrus.com.

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The Director is hereby authorized to charge any fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

Registration No. 39,775

MUNCK BUTRUS CARTER, P.C.

Date: 18 April 2008

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